

107TH CONGRESS
1ST SESSION

H. R. 2795

To amend title 18, United States Code, to protect and promote the public safety and interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate, or interfere with plant or animal enterprises, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mr. NETHERCUTT (for himself, Mr. CHAMBLISS, and Mr. CUNNINGHAM) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect and promote the public safety and interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate, or interfere with plant or animal enterprises, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agroterrorism Preven-
5 tion Act of 2001”.

1 **SEC. 2. PLANT ENTERPRISE TERRORISM.**

2 (a) IN GENERAL.—Section 43 of title 18, United
3 States Code, is amended—

4 (1) so that the heading for such section reads
5 **“§ 43. Animal and plant enterprise terrorism”;**

6 (2) by striking “animal enterprise” each place
7 it appears (other than in subsection (d)(1)) and in-
8 serting “animal or plant enterprise”;

9 (3) in subsection (a)(2)—

10 (A) by inserting “plants,” after “includ-
11 ing”; and

12 (B) by inserting a comma after “animals”;
13 and

14 (4) in subsection (d)—

15 (A) in paragraph (1), by striking “the
16 term” and all that follows through the end of
17 such paragraph and inserting the following:

18 “the term ‘animal or plant enterprise’ means—

19 “(A) a commercial or academic enterprise
20 that uses animals or plants for food or fiber
21 production, agriculture, breeding, processing,
22 research, or testing, or any commercial retail,
23 wholesale or distribution enterprise that uses,
24 purchases, or offers for sale a product that con-
25 tains animal or plant material;

1 “(B) a zoo, aquarium, circus, rodeo or
2 other entity that exhibits or uses animals or
3 plants for educational or entertainment pur-
4 poses;

5 “(C) any fair or similar event intended to
6 advance agricultural arts and sciences; or

7 “(D) a facility managed or occupied by an
8 association, federation, foundation, council, or
9 other group or entity of food or fiber producers,
10 processors, or agricultural or biomedical re-
11 searchers intended to advance agricultural or
12 biomedical arts and sciences, or the offices or
13 facilities of any other enterprise or event de-
14 scribed in subparagraph (A), (B), or (C);”;

15 (B) in paragraph (3), by striking “the loss
16 of profits” and inserting “the loss of revenue
17 (including costs related to business recovery) di-
18 rectly related to the disruption of a plant or
19 animal enterprise, and the cost of the tuition
20 and expenses of any student to complete an
21 academic program that was disrupted, or to
22 complete a replacement program, when the
23 tuition and expenses are incurred as a result of
24 the damage or loss of the property of an animal
25 or plant enterprise”;

1 (C) by striking “and” at the end of para-
 2 graph (3);

3 (D) by striking the period at the end of
 4 paragraph (4) and inserting “; and”; and

5 (E) by adding at the end the following:

6 “(5) the term ‘plant’ means any plant (includ-
 7 ing any plant part) used for, or that is capable of,
 8 propagation, including a tree, a tissue culture, pol-
 9 len, a shrub, a vine, a cutting, a graft, a scion, a
 10 bud, a bulb, a root, a seed, or any plant genetic ma-
 11 terial contained in bacteria, plasmids, viruses,
 12 viroids, or any vector of biological origin that has
 13 been modified for, or is capable of carrying genes
 14 into plant cells using transgenic processes, or other
 15 biological materials.”.

16 (b) CLERICAL AMENDMENT.—The item in the table
 17 of sections at the beginning of chapter 3 of title 18, United
 18 States Code, that relates to section 43 is amended to read
 19 as follows:

“43. Animal and plant enterprise terrorism.”.

20 **SEC. 3. ENHANCEMENT OF PENALTIES FOR ANIMAL AND**
 21 **PLANT ENTERPRISE TERRORISM.**

22 Section 43 of title 18, United States Code, is
 23 amended—

24 (1) in subsection (a), by striking “one year”
 25 and inserting “five years”;

1 (2) in subsection (b)—

2 (A) by redesignating paragraph (2) as
3 paragraph (3);

4 (B) by inserting after paragraph (1) the
5 following:

6 “(2) EXPLOSIVES OR ARSON.—Whoever in the
7 course of a violation of subsection (a) maliciously
8 damages or destroys, or attempts to damage or de-
9 stroy, by means of fire or an explosive, any building,
10 vehicle, or other real or personal property used by
11 the animal or plant enterprise shall be imprisoned
12 for not less than 5 years and not more than 20
13 years, fined under this title, or both.”; and

14 (C) in paragraph (3), as so redesignated,
15 by striking “under this title and” and all that
16 follows through the period and inserting “under
17 this title, imprisoned for life or for any term of
18 years, or sentenced to death.”; and

19 (3) in subsection (c)—

20 (A) by striking “and” at the end of para-
21 graph (1);

22 (B) by striking the period at the end of
23 paragraph (2) and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(3) for any other economic damage resulting
2 from the violation of this section.”.

3 **SEC. 4. ANIMAL AND AGROTERRORISM CONSPIRACY PRE-**
4 **VENTION.**

5 Section 1961(1) of title 18, United States Code, is
6 amended by striking “Section 201” and inserting “Section
7 43 (relating to animal and plant enterprise terrorism), sec-
8 tion 201”.

9 **SEC. 5. NATIONAL AGROTERRORISM INCIDENT CLEARING-**
10 **HOUSE.**

11 (a) IN GENERAL.—The Director shall establish and
12 maintain a national clearinghouse for information on inci-
13 dents of crime and terrorism—

14 (1) committed against or directed at any animal
15 or plant enterprise;

16 (2) committed against or directed at any com-
17 mercial activity because of the perceived impact or
18 effect of such commercial activity on the environ-
19 ment; or

20 (3) committed against or directed at any person
21 because of such person’s perceived connection with
22 or support of any enterprise or activity described in
23 paragraph (1) or (2).

24 (b) CLEARINGHOUSE.—The clearinghouse established
25 under subsection (a) shall—

1 (1) accept, collect, and maintain information on
2 incidents described in subsection (a) that is sub-
3 mitted to the clearinghouse by Federal, State, and
4 local law enforcement agencies, by law enforcement
5 agencies of foreign countries, and by victims of such
6 incidents;

7 (2) collate and index such information for pur-
8 poses of cross-referencing; and

9 (3) upon request from a Federal, State, or local
10 law enforcement agency, or from a law enforcement
11 agency of a foreign country, provide such informa-
12 tion to assist in the investigation of an incident de-
13 scribed in subsection (a).

14 (c) SCOPE OF INFORMATION.—The information
15 maintained by the clearinghouse for each incident shall,
16 to the extent practicable, include—

17 (1) the date, time, and place of the incident;

18 (2) details of the incident;

19 (3) any available information on suspects or
20 perpetrators of the incident; and

21 (4) any other relevant information.

22 (d) DESIGN OF CLEARINGHOUSE.—The clearing-
23 house shall be designed for maximum ease of use by par-
24 ticipating law enforcement agencies.

1 (e) PUBLICITY.—The Director shall publicize the ex-
2 istence of the clearinghouse to law enforcement agencies
3 by appropriate means.

4 (f) RESOURCES.—In establishing and maintaining
5 the clearinghouse, the Director may—

6 (1) through the Attorney General, utilize the re-
7 sources of any other department or agency of the
8 Federal Government; and

9 (2) accept assistance and information from pri-
10 vate organizations or individuals.

11 (g) COORDINATION.—The Director shall carry out
12 the Director's responsibilities under this section in co-
13 operation with the Director of the Bureau of Alcohol, To-
14 bacco, and Firearms.

15 (h) DEFINITIONS.—In this section—

16 (1) the term “animal or plant enterprise” has
17 the same meaning as in section 43 of title 18,
18 United States Code; and

19 (2) the term “Director” means the Director of
20 the Federal Bureau of Investigation.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for each of fiscal years
23 2002 through 2007 such sums as are necessary to carry
24 out this section.

1 **SEC. 6. ANIMAL AND PLANT RESEARCH SECURITY PRO-**
2 **GRAMS.**

3 (a) IN GENERAL.—

4 (1) GRANTS AUTHORIZED.—The Director
5 shall—

6 (A) award grants on a competitive basis to
7 colleges and universities for technical assist-
8 ance, threat and risk assessments, and other
9 activities related to improving security at indi-
10 vidual research universities; and

11 (B) develop a comprehensive security re-
12 port for universities, colleges and nonprofit or-
13 ganizations which examines the threat posed by
14 animal and plant enterprise terrorism on re-
15 search activities, and includes strategies for re-
16 ducing this threat, including education, facility
17 hardening, and coordination with law enforce-
18 ment.

19 (2) APPLICATION.—To be eligible to receive a
20 grant under this section a college or university shall
21 submit to the Director an application in such form
22 and containing such information as the Director
23 may require, including information relating to the
24 security needs of the institution.

25 (3) PRIORITY.—In awarding grants under this
26 section, the Director shall give priority to colleges

1 and universities that demonstrate the highest secu-
2 rity needs, as reported in the application submitted
3 under paragraph (2).

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$5,000,000 for each of fiscal years 2002 and 2003.

7 (c) DEFINITION.—In this section, the term “Direc-
8 tor” means the Director of the National Science Founda-
9 tion.

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